

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JOHN C. KIRIAKOU,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-662
)	
)	
JOHN BAMFORD, <u>ET AL.</u> ,)	
)	
Defendants.)	

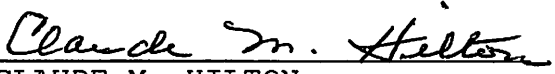
ORDER

THIS MATTER comes before the Court on Defendants' Motions to Dismiss.

Plaintiff John C. Kiriakou filed for Chapter 7 Bankruptcy on March 27, 2020. In re Kiriakou, Ch. 7 Case No. 20-10934-KHK, Adv. No. 20-01037 (Bankr. E.D.Va.). The causes of action alleged in Plaintiff's Complaint arose from events that took place prior to March 27, 2020. Since Plaintiff's causes of action accrued prior to filing for bankruptcy, the causes of action belong to the bankruptcy estate. Wilson v. Dollar Gen. Corp., 717 F.3d 337, 342-43 (4th Cir. 2013). "If a cause of action is part of the estate of the bankrupt then the trustee alone has standing to bring that claim." Nat'l Am. Ins. Co. v. Ruppert Landscaping Co., 187 F.3d 439, 441 (4th Cir. 1999). Therefore, Plaintiff

does not have standing to bring the claims asserted in the Complaint. It is hereby

ORDERED that Defendants' Motions to Dismiss are GRANTED and that the case is hereby DISMISSED without prejudice.


CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
August 31, 2020